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To: MAIL STOP APPEAL BRIEF PATENTS
Exam. Richard Sukyoon Woo, GAU: 3629
Fax No.: (703) 872-9306
From: George M. Macdonald
Date: August 2, 2004
Subject: Serial No.: 09/683,381
Pages: _10_ (including this cover)

Re: U.S. Patent Application Serial No.: 09/683,381
Our Docket # F-442
Conf. # 7716

In furtherance of the January 23, 2004 Notice of Appeal and the March 23, 2004 Appellants' Brief and in response to the June 2, 2004 Examiner's Answer in the above referenced case, enclosed please find the Appellants' Reply Brief.

CERTIFICATION OF FACSIMILE TRANSMISSION

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1. Appellants' Reply Brief in triplicate (9 pages).

on August 2, 2004
Date of Transmission


Signature

George M. Macdonald
Name of Registered Rep.
Reg. No.: 39,284

August 2, 2004
Date

{0028168.1}

Serial No.: 09/683,381
Attorney Docket No.: F-442

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

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In re patent application of:
Robert A. Cordery, et al.

) Attorney Docket No.: F-442
) Customer No. 919
)
) Examiner: Richard Sukyoon Woo
) Group Art Unit: 3629
) Date: August 2, 2004

Serial No.: 09/683,381
Filed: December 19, 2001
Confirmation No.: 7716

Title: METHOD AND SYSTEM FOR NOTIFYING MAIL USERS OF MAIL
PIECE CONTAMINATION

Mail Stop Appeal Brief- Patents
Commissioner for Patents
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL

Sir:

The Appellants respectfully submit this reply brief pursuant to 37 C.F.R. § 1.193(b)(1) in reply to the Examiner's Answer filed on June 2, 2004 in the appeal of the subject application. The Notice of Appeal was filed on January 23, 2004, and the Appellant's Brief was filed on March 23, 2004. The Commissioner is hereby authorized to charge any additional fees that may be required for this appeal or to make this brief timely or credit any overpayment to Deposit Account No. 16-1885.

The Examiner's Answer is fatally defective and the Final rejection should be reversed. In the opening brief, Appellants stressed that since Yoon '203 was later filed than the instant case, the Examiner was not entitled to rely upon Yoon '203 without support in the underlying provisional application 60/344,635. The Examiner, in response in the Answer, proceeded to attach a copy of the provisional. The Examiner then continued to argue (with emphasis) several citations to Yoon '203 that have **absolutely no support** in the underlying provisional application.

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George M. Macdonald, Reg. No. 39,284 (Name of Registered Rep.)

 (Signature)

August 2, 2004 (Date)

(10029167.1)

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August 2, 2004 Appellants' Reply Brief

Serial No.: 09/683,381
Attorney Docket No.: F-442

Patent

The following argument follows the section numbers of the June 2, 2004 Examiner's Answer.

Section 6. Issues Presented

The Examiner states that the section 112 rejection is not in issue. Appellants disagree. Appellants believe that the Amendment After Final should have been entered. However, the issue is still presented regarding current claim 16.

Section 7. Grouping of Claims

Appellants appreciate that the Examiner has noted three typographical errors. Appellants agree with the Examiner's interpretation and regret the error. Appellants' Brief at page 5 at lines 8, 9 and 17 should read:

Group IV III – Claims 13 and 15.

Group V IV – Claims 13 and 15.

In Group IV, claim 8 14 that

Additionally, and as is clear from the context, Appellants note a typographical error on page 6 of the March 23, 2004 opening brief. Six lines from the bottom of page 6, the sentence should read "Alden '469 does not appreciate" A substitute brief correcting the errors will be supplied if requested.

Section 9. Prior Art of Record

As discussed herein, the Yoon '203 reference is not available as prior art.

Section 10. Grounds of Rejection

In the Examiner's Answer, at page 3, last line, the Examiner cites to Yoon '203 at paragraph 0124 to allegedly show a quarantine indication. At best, the second sentence of that paragraph of Yoon '203 teaches performing a quarantine of the material, but not providing a quarantine indication. More importantly, the underlying provisional application **does not support that teaching**. The underlying provisional at page 6 does not teach or even suggest the second sentence and Yoon '203 is not entitled to the earlier filing date and is therefore **not available as prior art**.

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In at least 8 places in the Examiner's Answer, the Examiner cites to Yoon '203 at paragraph 0019 [sic, 0119]. The references include page 4, line 4; page 6, line 15; page 8, line 10, page 10, lines 8 and 20, page 12, line 8; page 16, line 21 and page 18, line 14. In each instance, the Examiner improperly cites to material that has no support in the underlying provisional application. The underlying provisional does not teach or even suggest external communication such as email and provides only the local alarm of a single dedicated testing machine. Accordingly, it is clear that Yoon '203 is not entitled to the earlier filing date and is therefore not available as prior art.

Regarding the Examiner's argument in Section 10.1 on page 3, line 20 citing a plurality of detectors (114), it is clear that the Examiner is citing to a plurality of components of a single detector. Regarding the Alden '469 reference, the Examiner fails to consider that Alden '469 does not even contemplate a plurality of detectors and notice of a quarantine condition.

Section 11, Response to Argument

Most importantly, regarding the Response to [Appellants'] Argument, the Examiner cites to Yoon '203, paragraph 0019 [sic, 0119], at page 16, line 21 and page 18, line 14 to show email notification and "other communication methods" (emphasis in original). As has been explained, there is no support in the underlying provisional application for such an assertion and Yoon '203 is not available as prior art as cited.

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-17 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,



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